

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO
RICO,

as representative of

THE COMMONWEALTH OF PUERTO
RICO, et al.,

Debtors.

PROMESA Title III

No. 17 BK 3283-LTS (Jointly Administered)

BRIEF OF THE CIVIL RIGHTS
COMMISSION OF PUERTO RICO AS
AMICUS CURIAE

**MOTION FOR LEAVE TO FILE BRIEF OF AMICUS CURIAE ON THE NEED FOR A
HUMAN RIGHTS BASED APPROACH TO THE GOVERNMENT OF PUERTO RICO
DEBT RESTRUCTURING PROCESS**

TO THE HONORABLE COURT:

COMES NOW the Civil Rights Commission of Puerto Rico, through the undersigned attorney,
and before this Honorable Court respectfully states and prays as follows:

1. The Civil Rights Commission of Puerto Rico (hereinafter Commission) was created through Law No. 102 of June 28, 1965, as amended.¹ Although its organizational structure is within the Legislative branch of the government of Puerto Rico, the Commission operates with complete autonomy and independence of the government. This entity operates as what, under international human rights law, is considered the National Human Rights Institution (NHRI) of our jurisdiction, vested with the responsibility to educate, investigate and seek redress for human and civil rights violations against people in Puerto Rico. As per Article 5 of the aforementioned

¹ 1 L.P.R.A. §151 et seq.

Act, the Commission, after the approval of a majority of the Commissioners, has the faculty to intervene in judicial processes as an *amicus curiae*.² The Commission is faithful to its duties to

(a) To educate the entire population on the significance of the fundamental rights and the means of respecting, protecting and exalting them.

(b) To seek with individuals and before the government authorities' protection of the human rights and strict enforcement of the laws protecting such rights.

[...]

(e) To evaluate the laws, standards and acts of the Commonwealth and municipal governments in connection with the civil rights, and to suggest reforms in respect to same.

2. Concerned about the lack of discussion on human rights and international human rights law standards within Puerto Rico's public debt affairs, with the best interest to promote adjudication practices aware of the human rights impact of debt restructuring, and with the express mandate of the majority of its Commissioners³, this entity respectfully moves this Court for leave to participate as *amicus curiae* in this case.

3. Although the local rules do not address the issue of *amicus curiae* briefs, federal district "courts have inherent authority and discretion to appoint amici." *Boston Gas Co. v. Century Indem. Co.*, 2006 WL 1738312, at n.1 (D. Mass. June 21, 2006). Indeed, district courts "frequently welcome amicus briefs from non-parties concerning legal issues that have potential ramifications beyond the parties directly involved," *NGV Gaming, Ltd. V. Upstream Point Molate, LLC*, 355 F. Supp. 2d 1061, 1067 (N.D. Cal. 2005), particularly when the amicus has "unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide," *Ryan v. Commodity Futures Trading Comm'n*, 125 F.3d 1062, 1064 (7th Cir. 1997). The *amicus* brief attached to this motion meets these standards.

² Art. 5, 1 L.P.R.A. §155

³ Civil Rights Commission of Puerto Rico, Resolution 2018-1, of March 2, 2018.

4. For the reasons stated above, the Civil Rights Commission of Puerto Rico respectfully prays from this Honorable Court to grant the present motion and allow the attached *amicus curiae* brief for filing.

WHEREFORE, the Civil Rights Commission of Puerto Rico respectfully prays from this Honorable Court to grant the present motion and allow the attached *amicus curiae* brief for filing.

RESPECTFULLY SUBMITTED.

It is hereby certified that, on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all parties who have made an electronic appearance.

In San Juan, Puerto Rico, on this 11th day of July, 2018.

/s/María A. Rodríguez Medina
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In representation of
Civil Rights Commission of Puerto Rico

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